

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:14-CR-3011

vs.

ORDER

JOSE LUIS MEZA-LOPEZ,

Defendant.

This matter is before the Court on the defendant's "Motion for Extension of Time to File Memorandum in Support of § 2255 Motion" ([filing 132](#)). The defendant's motion is granted.

A § 2255 motion must generally be filed within 1 year from "the date on which the judgment of conviction becomes final." [§ 2255\(f\)\(1\)](#). The Court entered its judgment of conviction ([filing 114](#)) on January 12, 2015, but the defendant appealed, and the Court of Appeals affirmed the defendant's conviction and sentence on December 21, 2015. [Filing 129](#). A judgment of conviction becomes final when the time expires for filing a petition for certiorari with the Supreme Court contesting the appellate court's affirmation of the conviction. *Clay v. United States*, 537 U.S. 522, 525 (2003). The time for filing a petition for certiorari expires 90 days after the entry of judgment—in this case, March 21, 2016. [U.S. Sup. Ct. R. 13\(3\)](#). Thus, the 1-year limitation period from the judgment of conviction will expire on March 21, 2017. See, *United States v. Martin*, 408 F.3d 1089, 1090 (8th Cir. 2005); *United States v. Hurst*, 322 F.3d 1256 (10th Cir. 2003); see also *Haroutunian v. I.N.S.*, 87 F.3d 374, 377 (9th Cir. 1996).

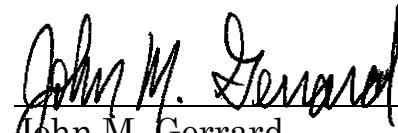
Accordingly, the defendant may file a memorandum in support of his § 2255 motion ([filing 133](#)) on or before March 21, 2017.

IT IS ORDERED:

1. The defendant's motion to extend ([filing 132](#)) is granted.
2. The defendant may file a memorandum in support of his § 2255 motion ([filing 133](#)) on or before March 21, 2017.

Dated this 20th day of December, 2016.

BY THE COURT:



John M. Gerrard

United States District Judge